IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR

FRIDAY, THE 1ST DECEMBER 2006 / 10TH AGRAHAYANA 1928

WP(C).No. 30942 of 2006(H)

PETITIONER:

BOBY VARGHESE, AGED 53,
S/O.M.U.VARKEY, MANKUDIYIL HOUSE,
PIPE LINE ROAD, PADIVATTOM P.O.,
EDAPPALLY SOUTH, KOCHI-24.

BY ADV. SRI.R.ARUN (PALLURUTHY)

RESPONDENTS:

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1. KERALA FINANCIAL CORPORATION,
REP. BY ITS MANAGER, BRANCH OFFICE,
KUMARANASSAN SMARAKA MANDIRAM,
CORUT ROAD, ALAPPUZHA-1.

2. THE MANAGING DIRECTOR,
KERALA FINANCIAL CORPORATION, TRIVANDRUM.

BY SC SRI. V.B. UNNIRAJ

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 01/12/2006, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

C.N.RAMACHANDRAN NAIR,J.

W.P.C.NO. 30942 OF 2006

Dated this the 1st day of December, 2006

JUDGMENT

Petitioner is challenging recovery proceedings initiated by KFC for recovery of arrears due from the petitioner. Standing counsel for the respondents submitted that out of five items of property notified for sale, two items were only sold and sale confirmed. So far as balance three items of property are concerned standing counsel submitted that the property is under the custody of the liquidator. Since the amount is still outstanding from the petitioner, petitioner cannot get release of the attachment without clearing the arrears. It is for the KFC and Liquidator to settle inter-se claims and if there is dispute it is to be settled by the company court. W.P. is closed.

(C.N.RAMACHANDRAN NAIR)
Judge